IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

Crl.MC.No. 1 of 2006(A)

CRIME NO. 282/05 OF PANGODE POLICE STATION

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PETITIONER: ACCUSED

ABDULSATHAR, AGED 66,
KODAMVILAKAM, KUNNUMPURATHU VEEDU,
NEERAMANKADAVU, KURINJILAKKADU, NEDUMANGADU
TALUK, THIRUVANANTHAPURAM.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENTS:

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1. JISSA, D/O.AKBARKHAN,
ANASKHAN MANZIL, MANANAKKU, KEEZHATTINGAL VILLAGE,
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM.

2. THE STATE OF KERALA REPRESENTED
BY THE DIRECTOR GENERAL OF PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.S.U. NAZAR
R1 BY ADV. SRI.THIRUMALA P.K.MANI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 30/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1 OF 2006

Dated this the 30th day of May, 2007

ORDER

The petitioner is the 3rd accused in a prosecution, inter alia, under Sec.498A of the IPC. A complaint has been filed by his daughter-in-law. The 1st accused is the husband of the complainant and the 2nd accused is the wife of the petitioner. The crux of the allegations is that the accused persons have been guilty of wilful matrimonial cruelty of the culpable variety against the complainant. The complaint was forwarded to the learned Magistrate under Sec.156(3) of the Cr.P.C. Investigation was in progress. It is at that stage the petitioner has come to this Court with this petition under Sec.482 of the Cr.P.C.

2. The petitioner contends that the allegations against him are absolutely unsustainable. There is no worthwhile allegation raised against him in the complaint and in these circumstances, continuation of the proceedings against him

results in failure/miscarriage of justice. It is a transparent abuse of process of the court, it is urged.

3. The nature and quality of the jurisdiction that is sought to be invoked has to be borne in mind. I have been taken through the averments in the complaint in detail. I shall not encumber the records with any unnecessary observations which might prejudice the interests of the parties. Suffice it to say that I find absolutely no merit in the contention that the averments in the complaint do not reveal any valid allegation against the petitioner. That submission cannot be accepted if one goes through the averments in the complaint in detail.

4. The learned counsel for the respondent/complainant submits that the investigation is now complete and the charge sheet/final report has already been filed. I take note of that submission also. Needless to say that the petitioner shall be entitled to raise all relevant and appropriate contentions before the learned Magistrate in the course of trial.

5. In the result, this Crl.M.C. is dismissed.

Sd/-
(R. BASANT, JUDGE)

Nan/ //true copy// P.S. To Judge